

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK
DONALD E. GLASS,**

Petitioner,

**9:18-cv-517
(GLS/DJS)**

v.

SUPERINTENDENT,

Respondent.

APPEARANCES:

OF COUNSEL:

FOR THE PETITIONER:

DONALD E. GLASS

Pro Se

15-A-0494

Green Haven Correctional Facility

P.O. Box 4000

Stormville, NY 12582

FOR RESPONDENT:

HON. LETITIA JAMES

New York State Attorney General

28 Liberty Street

New York, NY 10005

JAMES FOSTER GIBBONS

Assistant Attorney General

**Gary L. Sharpe
Senior District Judge**

ORDER

The above-captioned matter comes to this court following a Report-Recommendation and Order (R&R) by Magistrate Judge Daniel J. Stewart, duly filed July 30, 2021. (Dkt. No. 30.) Following fourteen days from the

service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed,¹ and the court having reviewed the R&R for clear error, it is hereby

ORDERED that the Report-Recommendation and Order (Dkt. No. 30) is **ADOPTED** in its entirety; and it is further

ORDERED that the petition (Dkt. No. 1) is **DENIED** and **DISMISSED**; and it is further

ORDERED that no certificate of appealability shall issue because petitioner has failed to make a “substantial showing of the denial of a constitutional right” as required by 28 U.S.C. § 2253(c)(2)²; and it is further

ORDERED that the Clerk close this case; and it is further

ORDERED that the Clerk provide a copy of this Order to the parties in accordance with the Local Rules of Practice.

IT IS SO ORDERED.

¹ On August 11, 2021 and August 12, 2021, plaintiff filed letters that do not raise any objections to the R&R.

² See *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003); see also *Richardson v. Greene*, 497 F.3d 212, 217 (2d Cir. 2007) (holding that, if the court denies a habeas petition on procedural grounds, “the certificate of appealability must show that jurists of reason would find debatable two issues: (1) that the district court was correct in its procedural ruling, and (2) that the applicant has established a valid constitutional violation”).

August 31, 2021
Albany, New York

Gary L. Sharpe
Gary L. Sharpe
U.S. District Judge